

RESOLUTION NO. 2016-_____

A RESOLUTION APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR AN ADDITION TO AN EXISTING PLACE OF ASSEMBLY IN THE R-1 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT AT 8600 EAST BUSH LAKE ROAD, BLOOMINGTON, MINNESOTA.

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington; and

WHEREAS, an application (Case #PL201600147) has been filed on behalf of Peace Evangelical Lutheran Church, owner of the premises located at 8600 East Bush Lake Road and legally described as follows:

LOT 1, BLOCK 1, PEACE LUTHERAN CHURCH ADDITION

To amend a conditional use permit for an addition to an existing place of assembly located in the R-1 Single-Family Residential Zoning District.

WHEREAS, the City of Bloomington Planning Commission has reviewed said request at a duly called public meeting and recommends approval; and

WHEREAS, the City Council is empowered to approve a conditional use permit when the use is not in conflict with the Comprehensive Plan or an adopted district plan for the area, is not in conflict with the stated intent of the zoning district in which it is to be located, will not unreasonably harm the public health, safety and welfare, will not create a nuisance or unreasonable

congestion injurious to nearby properties, does not interfere with the creation of a beneficial environment within its own boundaries and on adjoining properties, will not interfere with a reasonable economic benefit to the community, interrelationship provisions with contiguous and noncontiguous adjacent properties will not adversely affect pedestrian and vehicular movement, and will not adversely affect the buffering of service facilities and parking areas.

WHEREAS, the City Council has considered the report of the City staff, the findings and recommendation of the Planning Commission, the comments of persons speaking regarding the proposed conditional use permit and the factors in Bloomington City Code Section 21.501.04 (e) (1) through (5) and has found as follows:

(1) The proposed use must not conflict with the Comprehensive Plan;

- The subject property is guided Quasi-Public, Low Density Residential and Conservation in the Comprehensive Plan. An addition to an existing place of assembly on a parcel with the Quasi-Public land use designation does not conflict with the Comprehensive Plan.

(2) The proposed use must not conflict with any adopted District Plan for the area;

- The property is not located within an area with an adopted District Plan.

(3) The proposed use must not conflict with City Code provisions;

- Subject to compliance with the conditions of approval and approval of a requested setback variance, the proposed use/development meets all City Code requirements.

(4) The proposed use must not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development; and

- The proposed use is not of a nature, scale, or intensity to create an excessive burden on parks, schools, or other public facilities and utilities. The proposed place of assembly renovation does not add a significant amount of assembly or programming space. The primary purpose of the addition is to add improved kitchen and bathroom facilities, storage and trash rooms, and office space. All of these uses are typical support functions of a place of assembly and should not increase the intensity of the overall use of the property in a significant way. Finally, the construction of additional on-site parking should reduce the occurrence or need of on-street parking during the facilities largest events, thereby

reducing the burden on public facilities such as West 86th Street and other adjacent streets.

(5) The proposed use must not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

- The proposed addition to the place of assembly is located on the opposite side of the property from the abutting residential uses. In addition, the proposed expansion should not increase the intensity of use of the existing facility. Finally, the provision of additional parking will reduce the infrequent occurrence of on-street parking being utilized for overflow purposes. The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BLOOMINGTON IN REGULAR MEETING ASSEMBLED:

- A. That the affirmative findings of the Planning Commission are adopted by the City Council;
- B. That the conditional use permit shall expire if not used or applied in accordance with the provisions of City Code Section 21.501.04(g);
- C. That the conditional use permit may be suspended or revoked in accordance with the provisions of City Code Section 21.501.04(h);
- D. That the requested amendment to a conditional use permit to allow for an addition to an existing place of assembly in the R-1 Zoning District at 8600 East Bush Lake Road is approved, subject to the following conditions of approval:
 - 1) A Proof of Parking Agreement for 16 spaces must be approved and filed with Hennepin County.
 - 2) Sewer Availability Charges (SAC) must be satisfied.
 - 3) Signed copies of a private common parking/access agreement and a private common utility easement/agreement must be provided to the City and filed with Hennepin County and proof of filing provided to the Engineering Division.

- 4) Storm Water Management Plan must be provided that demonstrates compliance with the City's Comprehensive Surface Water Management Plan. A maintenance plan must be signed by the property owners and must be filed of record with Hennepin County.
- 5) The Grading, Drainage, Utility, Erosion Control, Access, Circulation, Parking and Traffic plans must be approved by the City Engineer.
- 6) A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division.
- 7) A sidewalk must be provided to link the primary entrance of each building on site with the public sidewalk network.
- 8) A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) must be provided if greater than one acre is disturbed (State of MN and Federal regulation).
- 9) An erosion control surety must be provided (16.05(b)).
- 10) A Minnesota Department of Health (MDH) watermain review and approval must be obtained or notification from MDH that this permit is not required must be submitted to the City (State of MN).
- 11) Civil plans must be revised to remove one parking stall located in the southeast portion of the existing parking lot to comply with Section 19.63(a)(9) of the City Code.
- 12) Utility plan showing location of existing and proposed water main and fire hydrant locations must be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, Minnesota State Fire Code Sec. 508).
- 13) Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
- 14) Tier 2 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).
- 15) Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52).
- 16) Parking lot and site security lighting plans must be provided and approved to satisfy the requirements of Section 21.301.07 of the City Code.
- 17) A tax parcel combination of the subject properties must be completed to obtain legal zoning lot status.
- 18) A Site Development Agreement incorporating all conditions of approval must be executed by the applicant and the City and must be properly recorded by the applicant with proof of recording provided to the Director of Community Development.
- 19) The developer must submit electronic utility as-builts to the Public Works Department prior to the issuance of the Certificate of Occupancy.
- 20) Building must be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN. Rules Chapter 1306; MN State Fire Code Sec. 903).
- 21) Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.

- 22) The variance and building/site improvements are limited to those as shown on the approved plans in Case File #PL2016-147.
- 23) Due to limited on-site parking, the Parish Hall (multi-purpose room) must not be used when the Sanctuary is in use.
- 24) Five foot high, year-round perimeter screening must be provided along the western and southern property boundaries of the new parking lot as approved by the Planning Manager (Sec 19.52).
- 25) Development must comply with the Minnesota State Accessibility Code.
- 26) Alterations to utilities must be at the developer's expense.
- 27) If the kitchen is used to serve any licensed activity, such as school, preschool or daycare, it must comply with current food code requirements.
- 28) All construction stockpiling, staging, loading, unloading and parking must take place on-site and off adjacent public streets and public rights-of-way.
- 29) All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).

E. That additional conditional use permit documents relating to the subject premises from Case #PL201600147 will be available for inspection pursuant to Minnesota Statutes Section 462.36, Subd. 1, through the Bloomington City Planning Office.

Passed and adopted this 24th day of October, 2016.

Mayor

ATTEST:

Secretary to the Council

Date